

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Apr 17, 2020

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

WHEELER J. PAAVOLA,

Defendant.

NO: 2:11-CR-12-RMP-1

ORDER DENYING MOTION FOR
COMPASSIONATE RELEASE WITH
LEAVE TO RENEW

BEFORE THE COURT is Defendant's Motion to Modify Term of Imprisonment, Sentence Modification, Compassionate Release, pursuant to 18 U.S.C. § 3582(c)(1)(A). ECF No. 108. The Court has considered the motion, the record, and is fully informed.

Pursuant to 18 U.S.C. § 3582(c)(1)(A), this Court has the authority to reduce Defendant's term of imprisonment after certain, administrative remedies have been exhausted. Under that statute, there are restrictions on when the Court may act. The Court may act, "upon motion of the Director of the Bureau of Prisons, or upon motion of the defendant after the defendant has fully exhausted all administrative

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1 rights to appeal a failure of the Bureau of Prisons to bring a motion on the
2 defendant's behalf” Additionally, if Defendant files a motion under 18 U.S.C.
3 § 3582(c)(1)(A) with the Bureau of Prisons, and the Bureau of Prisons does not act
4 upon his motion within thirty days of receiving it, then Defendant may request relief
5 directly from this Court, without taking additional steps to exhaust his administrative
6 remedies. *Id.*

7 Defendant does not state whether he has exhausted his administrative
8 remedies or sought relief from the Bureau of Prisons, and if he did, whether thirty
9 days have passed since he sought relief. Therefore, the Court has insufficient
10 evidence before it to conclude that it has authority to hear the instant motion, at this
11 time. Defendant is encouraged to read the First Step Act guidelines to address the
12 characteristics that Congress intended the Court to consider, once the Court has
13 authority to do so.

14 Accordingly, **IT IS HEREBY ORDERED:**

15 1. Defendant's Motion to Modify Term of Imprisonment, Sentence

16 Modification, Compassionate Release, pursuant to 18 U.S.C. §

17 3582(c)(1)(A), **ECF No. 180**, is **DENIED with leave to renew**. The

18 Court grants Defendant leave to renew his motion to include the required

19 information, such as whether he has sought relief from the Bureau of

20 Prisons or has exhausted all his administrative remedies.

